IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Crl.Rev.Pet.No. 1646 of 2004()

CRA.110/2001 of ADDL. SESSIONS COURT, (ADHOC), PALAKKAD
ST.5023/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

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REVN. PETITIONER: APPELLANT

P.APPUNNI, S/O.PAZHANIMALA,
RESIDING AT PULLINELLI VEEDU,
KANNANUR, ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.SREEKANTH.K.R
SMT.G.GEETHISHA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SIVALOKANATHAN, S/O.VELAPPAN,
RESIDING AT MESTHRI MELEVEETTIL, KANNANUR,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.E.R.VENKATESWARAN
PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 1646 OF 2004 A

Dated this the 18th day of September, 2007

O R D E R

The revision petitioner, who was the accused in S.T.No.5023/1998 on the file of the JFCM-I, Palakkad for an offence punishable under section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the trial court for the said offence.

2. Pending this revision, the parties have settled the matter and have filed Crl.M.A.No.9284/2007 under section 147 of the Act for recording the composition entered into by them. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. The composition is recorded and it will have the effect of an acquittal within the meaning of section 320(8) Cr.P.C. Eventhough the 2nd respondent/complainant at one stage took the stand that he did not receive the money, it is subsequently admitted as per the independent affidavit filed by him that a cheque and a promissory note have been executed and handed over to him based on the composition effected between the parties.

This revision petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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